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JUN 24 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Thomas L. Buckley	)	Art Unit: 3725
	)	
Serial No.: 10/690,248	)	Attorney
	)	Docket No.: 790105-1
Filed: October 21, 2003	)	
	)	
Title: Pill Crusher Pouch and Method of	)	
Using Same	)	

**PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT**  
**(37 C.F.R. 1.102 AND M.P.E.P. 708.02)**

**Mail Stop: Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22231-1450

Dear Sir or Madam:

Applicant hereby petitions to make this application special because of actual infringement.

**1. Accompanying Materials**

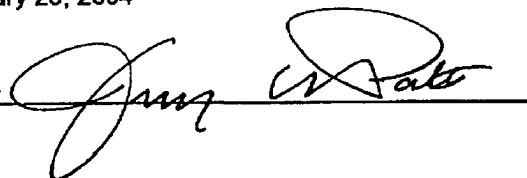
Accompanying this petition is:

- (a) a Statement of Facts in Support of the Petition to Make Special Because of Actual Infringement; and
- (b) a Statement by Attorney in Support of Petition to Make Special Because of Actual Infringement.

**CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)**

I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US  
Date: January 28, 2004

Signature



**2. Fee (37 C.F.R. 1.17 (i) - \$130.00**

Attached is a check in the sum of \$130.00.

Respectfully submitted,

Law Office of Jerry R. Potts

By: 

Jerry R. Potts

Registration No. 27.091

3248 Via Ribera

Escondido, CA. 92029

Customer No. 33651

Telephone: (760) 822-6201

Facsimile: (760) 747-3951

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas L. Buckley

Serial No.: 10/690,248

Filed: October 21, 2003

Title: Pill Crusher Pouch and Method of  
Using Same

) Art Unit: 3725  
)  
)  
) Attorney  
) Docket No.: 790105-1  
)  
)  
)

**OFFICIAL**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22231-1450

**STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL  
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. 708.02)**

I, the undersigned, Thomas L. Buckley, residing at 23911 Innisbrook Lane, Laguna Niguel, CA 92677, am the named inventor in the above-identified patent application, and I hereby state the following:

1. There is an actual infringement of this invention. In this regard, Health Care Logistics, Inc. (hereinafter HCLI), is selling the infringing pouch, which is identified by their product number 12656. The infringing product is being offered for sale and is actual sold from the HCLI website, whose url address is <http://www.hcl-intl.com>.

**CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)**

I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US

Date: January 28, 2004

Signature \_\_\_\_\_

2. The product that I allege infringes this invention was first discovered to exist on December 1, 2003.

Thomas L. Buckley  
Thomas L. Buckley

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## PATENT

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OFFICIAL

Applicant: Thomas L. Buckley	)	Art Unit: 3725
	)	
Serial No.: 10/690,248	)	Attorney
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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22231-1450

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF  
ACTUAL INFRINGEMENT (M.P.E.P. 708.02)**

I, the undersigned, Jerry R. Potts, (whose business address is 3248 Via Ribera, Escondido, CA 92029, am registered to practice before the United States Patent and Trademark Office and have been assigned Registration No. 27,091) am practitioner in this case and make the following statements:

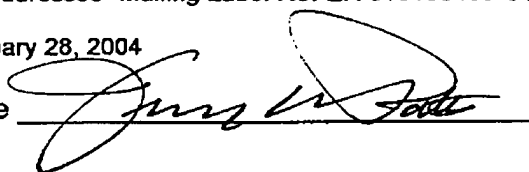
1. I have made a rigid comparison of the alleged infringing product referred to in my accompanying statement with the claims of this application.

**CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. § 1.8 (a)**

I the undersigned, JERRY R. POTTS hereby certified that, on the date shown below, this correspondence is being Deposited with the United States Postal Service, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ER 310156439 US

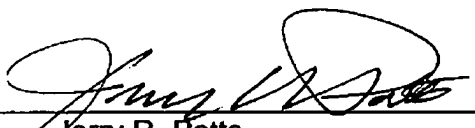
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2. That in my opinion, at least claim 6 on file in this application is unquestionably infringed. In this regard, the infringing product is a seamless tube of flexible plastic that has an open top and a closed bottom, where a cup-like seal closes the bottom.
3. I have made a search of the pertinent prior art. All such material art is provided to the Examiner as being filed in a respective Information Disclosure Statement.
4. That I believe all the claims in this application as on file appear to be allowable in view of the prior art uncovered and disclosed in the above-mentioned Information Disclosure Statement.

January 27, 2004

  
Jerry R. Potts

Registration No.: 27,091